

SENATE RECORD VOTE ANALYSIS

104th Congress
1st Session

Vote No. 591

December 7, 1995, 4:00 p.m.
Page S-18182 Temp. Record

COMMERCE-JUSTICE-STATE APPROPRIATIONS CONFERENCE/Passage

SUBJECT: Conference report to accompany the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill for fiscal year 1996 . . . H.R. 2076. Agreeing to the conference report.

ACTION: CONFERENCE REPORT AGREED TO, 50-48

SYNOPSIS: The conference report to accompany, H.R. 2076, the Departments of Commerce, Justice, and State, the Judiciary, and related agencies appropriations bill for fiscal year 1996, will provide a total of \$27.271 billion in new budget authority, which is \$3.755 billion less than the Administration requested. The Justice Department and the Judiciary will receive substantial increases in funding, and the Commerce Department, the State Department, and related agencies will receive substantial reductions in funding. Budget authority will be distributed, by title, as follows:

- Title I, Justice Department and related agencies: \$14.668 billion (including \$3.926 billion from the Violent Crime Reduction Trust Fund; see below for specific funding levels), including: \$2.505 billion for the Federal Bureau of Investigation; \$2.915 billion for the Federal prison system; and \$806 million for the Drug Enforcement Agency;
- Commerce Department and related agencies, \$3.444 billion (reductions in Commerce Department funding reflect the assumption that the Department will be eliminated), including: \$399 million for the National Institute of Standards and Technology; \$0 for the Advanced Technology Program; \$348.5 million for the Economic Development Administration; \$80 million for the Manufacturing Extension Program (Hollings Centers); and \$21.5 million for transportation infrastructure grants (see vote No. 477 for related debate);
- Judiciary: \$3.055 billion;
- State Department and related agencies, \$4.767 billion, including: \$700 million for contributions for international organizations (United Nations); \$225 million for United Nations international peacekeeping; and \$35.7 million for the Arms Control and Disarmament Agency; and
- Related Agencies, \$1.485 billion, including: Legal Services Corporation, \$278 million (see vote No. 476 for related debate). Violent Crime Reduction Trust Fund, \$3.926 billion, including:

(See other side)

YEAS (50)			NAYS (48)			NOT VOTING (1)	
Republicans (50 or 94%)		Democrats (0 or 0%)	Republicans (3 or 6%)	Democrats (45 or 100%)		Republicans (0)	Democrats (1)
Abraham	Helms		Grassley	Akaka	Hollings		Moynihan- ²
Ashcroft	Hutchison		Kassebaum	Baucus	Inouye		
Bennett	Inhofe		McCain	Biden	Johnston		
Bond	Jeffords			Bingaman	Kennedy		
Brown	Kempthorne			Boxer	Kerrey		
Burns	Kyl			Bradley	Kerry		
Campbell	Lott			Breaux	Kohl		
Chafee	Lugar			Bryan	Lautenberg		
Coats	Mack			Bumpers	Leahy		
Cochran	McConnell			Byrd	Levin		
Cohen	Murkowski			Conrad	Lieberman		
Coverdell	Nickles			Daschle	Mikulski		
Craig	Pressler			Dodd	Moseley-Braun		
D'Amato	Roth			Dorgan	Murray		
DeWine	Santorum			Exon	Nunn		
Dole	Shelby			Feingold	Pell		
Domenici	Simpson			Feinstein	Pryor		
Faircloth	Smith			Ford	Reid		
Frist	Snowe			Glenn	Robb		
Gorton	Specter			Graham	Rockefeller		
Gramm	Stevens			Harkin	Sarbanes		
Grams	Thomas			Heflin	Simon		
Gregg	Thompson				Wellstone		
Hatch	Thurmond						
Hatfield	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

- \$147 million for Byrne law enforcement formula grants;
 - \$0 for Byrne law enforcement discretionary grants;
 - \$1.903 billion for local law enforcement block grants (which will be distributed by formula);
 - \$0 for community policing (money under that program is distributed on a discretionary basis by Clinton Administration political appointees);
 - \$617.5 million for State prison grants;
 - \$300 million for State criminal alien incarceration; and
 - \$0 for drug courts.
- Miscellaneous:
- funds from this Act will not be used to list new species, to make new listing determinations, or to designate critical habitat under the Endangered Species Act prior to the reauthorization of that Act;
 - the programs of the Violence Against Women Act will receive \$175 million (see vote No. 474);
 - it is the sense of the Senate that the President should seek congressional approval before deploying U.S. ground forces in Bosnia, unless an emergency situation necessitates deployment before approval can be obtained (see vote No. 479);
 - abortions for Federal prisoners will be paid for with public funds only in cases in which the life of the mother is threatened or in cases of rape (see vote No. 478 for related debate);
 - prior congressional notice will be required before using funds from this Act for new or expanded United Nations peacekeeping missions;
 - Current restrictions on judges' authority to mandate changes in prison management, including by ordering the release of prisoners to meet judicially imposed prison caps, will be expanded;
 - limitations will be placed on the ability of prisoners to file frivolous lawsuits; and
 - voter registration cards will not be used as proof of citizenship by any Federal agency.

Those favoring final passage contended:

We are pleased to present the conference report to accompany the Commerce-Justice-State-Judiciary appropriations bill to the Senate for its approval. This report is in full accordance with Republican plans to balance the budget in 7 years. Certainly it does not provide the total amount of funding that we would like to provide in all accounts, but neither should it. This report will only appropriate what the country can afford to appropriate. Unlike the President's irresponsible plan, this bill will not continue the bankrupting of America. Funding will be cut drastically for the State Department and the Commerce Department. The State Department cuts are consistent with Republican plans to streamline the foreign policy apparatus by combining independent foreign policy agencies with the State Department. Also, the low-level of funding provided for United Nation's peacekeeping reflects the majority party's strong reservations about such efforts. The Commerce Department cuts are consistent with Republican intentions to eliminate that Department, though the bill does not contain language that assumes that elimination. In total, the Commerce Department will be cut by 14 percent, though those cuts will not be made across-the-board. Priorities were carefully set. For example, the National Oceanic and Atmospheric Administration (NOAA), which enjoys broad bipartisan support, will be funded at nearly last year's level.

Making these large cuts made it possible to increase greatly law enforcement funding, despite the fact that this bill will spend less not only in real terms than was spent last year, but in nominal terms as well. In fact, the nearly 20 percent increase is almost exactly the amount that was proposed by President Clinton in his \$4 billion greater budget-busting proposal. These increases will go for nuts-and-bolts law enforcement--prison construction, U.S. prosecuting attorney positions, Federal Bureau of Investigation funding, Immigration and Naturalization Service funding, Violence Against Women Act funding, and funding for Violent Crime Reduction Trust Fund programs.

The most vocal opposition to this bill has been due to funding of a new formula local law enforcement block grant instead of the community policing COPs Program and the drug courts program. In an unusual turn of events, Republicans are being accused by Democrats of being soft on crime and of failing to learn from history by proposing grant authority that is not strictly limited to the hiring of police. Neither charge, of course, is accurate. This change in funding is beneficial on several fronts. First, under the Republican proposal, funds will be distributed to local communities by formula on the basis of need. In contrast, the COPS program is a discretionary program that gives grants as selected by Clinton Administration political appointees. Second, the matching requirement will be lowered, which will help poor communities hire more police. Third, the fact that funds will not have to be used strictly to hire police does not mean that funds will be misspent. Not all law enforcement departments need more police as their top priority--for instance, a local police department may have a more urgent need for bulletproof vests or new patrol cars. The Federal Government does not necessarily know what is best--it is better to make sure the money gets directly to law enforcement professionals, and then to let them spend it as they see best instead of as Washington demands.

Senators who have said that history proves this program will not work have rested their claim on the ill-fated Law Enforcement Assistance Act (LEAA) of the 1970s. However, we note that the LEAA was enacted before the professionalization of most police

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departments, that most of the money given was well spent, and that if one wants a true comparison of how this matching, block grant program will work, one need look no further than the Byrne Grant program. The structure of this new program is much closer to the Byrne Grant program, which Senators of both parties strongly support.

Other objections have been raised to the prison funding reforms in this bill. While our differences on the COPS program are due to policy, our differences on prison funding are based both on policy and on our colleague's incorrect understanding of the facts. This bill will make 4 fundamental improvements: first, it will increase funding for a much-needed emergency buildup in prison and jail space; second, it will cut Federal mandates that were attached to the 1994 prison grant program; third, it will sharply limit the use of the funds for alternative sanctions to make sure that they are not wasted on soft-headed liberal solutions when more jail space is needed (nearly half the States in the Union are under court-mandated prisoner caps due to overcrowding); and fourth, it will enact incentives for States to adopt meaningful truth-in-sentencing laws. Our colleagues do not like us clamping down on the uses for this money, but the truth is that the major need is for more prison space, and we will not move away from that focus. The facts our colleagues are confused about are from the Justice Department. They have been distributing a chart from the Department that purports to show how prison funds will be distributed among the States. Perhaps our colleagues are not aware that this is the fourth such chart that the Justice Department has drawn up, and each of these charts has had wildly varying sets of numbers. For example, in its first chart, the Justice Department claimed Utah would get \$2,324,958; for each subsequent chart it has increased that amount, to the point now that it says that Utah will get \$7.3 million. The Justice Department appears to be cooking the books for political purposes by using different assumptions each time it makes an estimate. We refer our colleagues to an earlier Justice Department critique of this grant program, in which it said that it is not possible to make predictions until all State applications have been received and grants have been given. Apparently, the Justice Department has found out that its earlier critique is false--it is possible to give estimates, as long as they are baseless, politically motivated estimates.

In summary, this conference report will make very large and very needed investments in law enforcement funding, and it will do it responsibly by cutting spending from programs of lesser priority. Further, it will do its part in Republican efforts to balance the budget by proposing to spend nearly \$4 billion less than President Clinton wanted to borrow and spend. We are therefore pleased to agree to this conference report.

Those opposing passage contended:

Argument 1:

Regretfully we are unable to vote in favor of this conference report. The overall funding levels in this bill are responsible, and the emphasis on law enforcement funding is commendable, but a few decisions that were made in setting priorities make it necessary for us to vote against final passage. First, we oppose the elimination of funding for the Cops Program (see Argument 2). Second, we oppose the elimination of funding for the Advanced Technology Program (ATP). Third, we do not believe adequate funding will be provided for the Legal Services Corporation. Fourth, and finally, we do not think that adequate amounts will be appropriated for United Nations peacekeeping.

The ATP is one of the most effective programs of the Federal Government. The ATP, in partnership with private industry, puts up half of the funding for the development of high-risk, precompetitive technologies that have potential for significant economic growth. In a nutshell, the program enables entrepreneurs to take a project from concept to proof of principle. The ATP was established because of a problem that our Republican colleagues constantly talk about--the alarming underinvestment by American industry in basic research and development. It is a fully competitive program and every award is made by peer review panels. Neither the President, nor the Secretary of Commerce, nor any other politician has any influence over the award of grants. Unfortunately, though, due to a statement by the former Democratic Party Chairman David Wilhelm, the program has fallen into great disfavor with our Republican colleagues. That statement was that California is the beginning and end of all presidential politics, and Secretary of Commerce Brown has control over the ATP. Republicans have taken that statement, which falsely implies political corruption in this program, have combined it with the fact that a large number of ATP grants go to California, and have concluded that the statement is correct. The truth is really just that California has a large number of high-technology industries, but the unfortunate appearance is that the ATP is corrupt. We urge our colleagues not to be deceived by appearances. They should delve deeper into this program's operations, because if they do they will find that it is totally above-board.

On the Legal Services Corporation (LSC) and United Nations peacekeeping issues, we confess that we do not have strong disagreement with the conference report's language and funding levels. We favor providing free legal services to poor people in civil matters, but our Republican colleagues are correct that the LSC has often spent Government funds pursuing a radically liberal political agenda instead of providing services to indigent Americans. The reforms in this bill are overdue. We do object, however, to the inadequate funding that will be provided. As for peacekeeping, we are no fans of the United Nations, and would rather not provide any funds, but as a practical matter we know that the President will not take this bill without greater funding.

Everyone is well aware that the President will veto this bill, and that Democrats have more than enough votes to sustain his veto. After we go through the exercise of making the President veto this legislation, though, we assure our Republican colleagues that we

are willing to work with them to devise a compromise solution that the President, and we, will support.

Argument 2:

This conference report, which was put together by our Republican colleagues, will eliminate funding for the COPS program. Republicans understand that this program should not be eliminated, yet for the crassest of political reasons they appear ready to end all funding. In the two years this program has existed it has increased the number of police on the streets of America by 26,000. By the time the program ends in a few years, 100,000 more police will have been hired. Instead of having 550,000 cops on the streets of America, we will have 650,000. That change will represent enormous progress. Every academic expert and every law enforcement official will testify that having more cops on the streets reduces crime rates. Hiring cops is not about coddling criminals--it is a straight-forward, no-nonsense approach of the type that Republicans are always demanding. This program provides seed capital to local communities to hire police officers. They cannot spend it on the type of programs which our Republican colleagues constantly denigrate. For instance, the money cannot be used to hire social workers. The process for receiving a grant is unbelievably quick and efficient for the Federal Government--a one-page form is all that needs to be completed. The program contains a rural component, and the sheriffs and small town police chiefs in our States, both Democrats and Republicans, tell us that this program is the best thing the Federal Government has ever done.

There is only one small problem with this program. It was developed by a Democrat, Senator Biden, and President Clinton has now taken credit for it. Republicans now seem to think that it has a Democratic label on it, so it must be bad, or at least they must pretend it is bad or the voters might like President Clinton more. Therefore, they have proposed eliminating it and replacing it with a block grant program. We had such a block grant program in the 1970s which wasted \$8 billion before Democrats and Republicans admitted it was a colossal mistake and killed it. Under that program, we had such wonderful law enforcement investments as a local police department buying a tank. Of course, under our Republican colleagues' proposal in this conference report, local police could hire social workers, clerk-typists, or even provide art and dance classes to criminals. We are regularly ridiculed by Republicans for grant program proposals that would allow such uses of Federal funds. We remind, them, for example, of how they characterized President Clinton's stimulus bill of 1993.

We have other problems with this bill as well. For instance, we are rather upset that the prison funding it will provide will disproportionately help a few States, and we think that the funding restrictions are too severe. Disproportionate spending smacks of porkbarrel politics, and funding restrictions are nothing more than mandates. Republicans like to lecture Democrats on both these scores, but in this instance they are not practicing what they preach.

We are very disappointed with this conference report. Our Republican colleagues have frankly gone soft on crime. We urge the defeat of this conference report, and we urge our colleagues to return to their old principles.